

EXHIBIT P

11/21/2006 Trial Transcript Day 9

1 0001

2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MASSACHUSETTS
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6 In Re:)
7 PHARMACEUTICAL INDUSTRY) CA No. 01-12257-PBS
8 AVERAGE WHOLESALE PRICE) MDL No. 1456
9 LITIGATION) Pages 9-1 - 9-144
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11

12 BENCH TRIAL - DAY NINE
13 BEFORE THE HONORABLE PATTI B. SARIS
14 UNITED STATES DISTRICT JUDGE
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19 United States District Court
20 1 Courthouse Way, Courtroom 19
21 Boston, Massachusetts
22 November 21, 2006, 9:10 a.m.
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30 LEE A. MARZILLI
31 OFFICIAL COURT REPORTER
32 United States District Court
33 1 Courthouse Way, Room 3205
34 Boston, MA 02210
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1 that?

2 A. I do.

3 Q. If you'll turn with me to Page 7 and look at

4 Footnote 4 --

5 THE COURT: Well, let me just -- have you now taken
6 into account sampling?

7 THE WITNESS: I was asked -- I received information
8 that they were involved, there were free samples given
9 billed, which I didn't know before, and to be conservative, I
10 didn't include.

11 THE COURT: Well, have you recalculated based on
12 samples?

13 THE WITNESS: I have included some samples, yes.
14 In the most recent calculations, they --

15 THE COURT: Well, how did you know how many samples
16 there were?

17 THE WITNESS: I arbitrarily assumed half of them
18 were. It was before I said none, and I didn't want to --

19 THE COURT: So how did you come up with
20 50 percent?

21 THE WITNESS: It was the best estimate I could come
22 up with.

23 THE COURT: From where?

24 THE WITNESS: It was a coin toss, so it was --

25 THE COURT: So if we backed out the samples --

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1 before you, your Honor, given that record, of any record for
2 AstraZeneca, and so I think --

3 THE COURT: I'm not doing that, but what I will do
4 is limit it to what they disclosed to you in a timely
5 fashion. So how am I going to get that?

6 THE WITNESS: Well, it's already been provided.

7 MR. SOBOL: Yes, if I may, your Honor, there are a
8 couple of things going on here.

9 THE COURT: I tell you what, we'll do it
10 afterwards, because I don't want you to waste your 25 or 30
11 minutes on this. You've made your point. Anything new that
12 was disclosed with respect to sampling is struck on two
13 grounds: One is it's new and undisclosed, and, second, is
14 it's a coin toss, so --

15 MR. FLYNN: Your Honor, just for the record, I
16 understand the Court's ruling. I have a memo of law to
17 support the motion to strike the entire testimony which I'd
18 like to submit. I understand --

19 THE COURT: It would have been nice to have had it
20 beforehand. It's untimely, untimely. But I am striking the
21 new stuff.

22 MR. FLYNN: Okay, your Honor, I'll move on.

23 THE COURT: And I've got to at least know what the
24 new stuff is, so you'll supplement. I mean, this is the old
25 stuff, what they had fair notice of.